

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 26, 1998

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel(Miriam A.), J., Dunn, J. (Assigned), and Connie Hon, Deputy Clerk.

Each of the following:

B123016 Anthony B. v Superior Court (DCFS)
B123120 Rona A. v Superior Court (DCFS)

Argument waived, cause submitted.

B110805 Cohen
 v.
 Marshall, et al.

Merits:
Argued by Michael J. Piuze for appellant and by Robert T. Dolan for
respondent. Cause submitted.

B109986 Zuniga, et al.
 v.
 McMahan's Furniture Stores

Merits:
Argued by Eduardo J. Navarro for appellant and by Nikki Tolt for
respondents. Cause submitted.

DIVISION ONE (Continued)

B115727 Steiner, et al.
 v.
 Trujillo

Merits:

Argued by Cheryl Podbielski for appellants and by Sherri M. Cohn for respondent. Cause submitted.

B119388 Tutor-Saliba-Perini, J. V., et al.
 v.
 Gire, et al.

Merits:

Argued by Alan I. White for appellants and no appearance for respondents. Cause submitted.

B113503 Bandai America Inc.
 v.
 Navajo Ltl, Inc.

Merits:

Argued by Daniel G. Wills for appellant and by Allan A. Shenoi for respondent. Cause submitted.

B106486 Major Clients Agency
 v.
 Diemer

Merits:

Argued by Deborah Drooz for appellant and by M. Reed Hunter for respondent. Cause submitted.

DIVISION ONE (Continued)

B107573 Howell
 v.
 Association Lien Services, et al.

Merits:

Argued by Robert T. Bertholdo for appellant and by Matt D. Ober for respondents. Cause submitted.

B115347 Anand Diamond Corporation, et al.
 v.
 Underwriters At Lloyds of London Insurers, et al.

Merits:

Argued by Ian Herzog for appellants and by Terry L. Kesinger for respondents. Cause submitted.

B108962 James D. Paulson, Inc., et al.
 v.
 R & B Mechanical Contractors, Inc.

Merits:

Argued by James R. York for appellant and by J. Alan Warfield for respondents. Cause submitted.

Dunn, J. (assigned) leaves the bench.

B112802 Khan
 v.
 Reynolds, Kennrick, Stratton, Inc.

Merits:

Argued by Saied Kashani for appellant and by Kristin Linsley Myles for respondent. Cause submitted.

DIVISION ONE (Continued)

August 26, 1998-Continued

B115803 Sharpe
v
MacFrugal's Bargains-Closeouts, Inc., et al.
Merits:
Argued by Marian Tully for appellant and by James M. Hansen for
respondents. Cause submitted.

Court adjourned.

DIVISION TWO

B110836 Ratay (Not for Publication)
v.
Bellas

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B113518 Los Feliz Estates Owners Association (Not for Publication)
v.
Taglyan

The orders appealed from are affirmed. The Association is to recover its costs on appeal. Upon application by the Association, the trial court is directed to fix reasonable attorney fees to be awarded the association in connection with this appeal.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

DIVISION TWO (Continued)

B117615 Los Angeles County, D.C.F.S. (Not for Publication)

August 26, 1998-Continued

v.
Josephine J.

The judgment is affirmed.

Nott, J.

We concur: Fukuto, Acting P.J.
Zebrowski, J.

B119576 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Gregory H.

The order of the trial court is reversed and the cause remanded for further proceedings.

Nott, J.

We concur: Boren, P.J.
Fukuto, J.

B113453 People (Not for Publication)
v.
Rowland

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Fukuto, J.

DIVISION TWO (Continued)

B113619 People (Not for Publication)
v.
Simmons

August 26, 1998-Continued

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B117134 People (Not for Publication)
v.
Bernoudy

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

August 26, 1998-Continued

DIVISION TWO (Continued)

B117939 People (Not for Publication)
v.
Nichols

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION THREE

B112723 Daniel Budorick (Not for Publication)
v.
Oscar Winslow, et al.

The judgment in favor of Winslow, Winston and Irvin is affirmed. The postjudgment order partially denying Budorick's motion to tax costs is also affirmed. Respondents' request for sanctions on appeal is denied. Budorick to bear costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B117063 Steven C. Rea (Not for Publication)
v.
Diane M. Rea

The order is affirmed. With respect to Diane's request for attorney fees on appeal, the issue of the amount of attorney fees Steven is to pay Diane for responding to this appeal is remanded to the trial court for its determination. (sec.2030,subd.(c); In re Marriage of Schnabel (1994) 30 Cal.App.4th 747,756.) Diane to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B123312 Theresa Q. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles county Department of Children and Family Services, r.p.i.)

The petition is denied.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

August 26, 1998-Continued

DIVISION THREE (Continued)

B123005 Patrick B. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services,, r.p.i.)

The petition is denied.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B123722 Jollean S. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services,, r.p.i.)

The petition is denied.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B112840 People
v.
Jeffries

Filed order denying petition for rehearing.

DIVISION FIVE

August 26, 1998-Continued

B116365 Jon Eardley (Not for Publication)

v.
Idea, U.S., Inc. et al

The order denying class certification is affirmed. Each side to bear its own costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
Grignon, J.

B113013 City of Los Angeles

v.
Joseph Bobker et al.

Filed order denying petition for rehearing.

DIVISION SIX

B104538 Cayucos Oceanview
Homeowners Association

(Not for Publication)

v.
Pollard

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan , J.

We concur: Stone, P.J.
Gilbert, J.

DIVISION SEVEN

B111547 People (Certified for Partial Publication)

August 26, 1998-Continued

V.
Everett

B121604 In re Kelvin Everett on Habeas Corpus

The convictions on counts I and II, kidnapping for the purpose of robbery, and all their enhancements (sec12022.5, sec 667, subd. (a)(1), sec 667.5) are affirmed. The convictions on counts III, V, VI, X, XI, XII, XIII, and XIV are reversed. The sentence is vacated. The matter is remanded to the trial court for resentencing. The petition is denied.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B110749 People v. Knight (Not for Publication)
B121111 In re Marion H. Knight on Habeas Corpus

The order revoking probation and denying the petition for writ of coram nobis are affirmed. The order for execution of sentence is vacated and the matter is remanded to the trial court for imposition of sentence consistent with the views expressed herein. The petition for writ of habeas corpus is denied.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.